IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

Crl.MC.No. 2456 of 2007()

MC.117/2000 of FAMILY COURT, KOTTAYAM AT ETTUMANOOR

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PETITIONER: RESPONDENT:

CHACKO JOSEPH, S/O. JOSEPH,
AGED 39 YEARS, PRALAYIL HOUSE, KALLARA KARA,
VAIKOM TALUK, KOTTAYAM.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK
SRI.BIJU GOPAL

RESPONDENTS: PETITIONERS & STATE:

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1. LILLY THOMAS, D/O. THOMAS,
AGED 37 YEARS, PACHILAMACKIYIL HOUSE,UZHAVOOR KARA
MEENACHIL TALUK, KOTTAYAM.

2. ALBIN @ MUTHU (MINOR), S/O. JOSEPH,
AGED 9 YEARS, PACHILAMACKIYIL HOUSE,UZHAVOOR KARA,
MEENACHIL TALUK, KOTTAYAM, REP. BY 1ST RESPONDENT,
MOTHER.

3. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM.

R3 BY PUBLIC PROSEOCUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 2456 of 2007

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Dated this the 1st day of August, 2007

O R D E R

The petitioner is the respondent, who has suffered an order under Section 125 Cr.P.C. to pay maintenance to his wife and child. The amount in arrears have now swelled to Rs.37,000'/- Execution has been taken out. The petitioner now realises that if he does not pay the amount, he will be sent to jail. He has therefore rushed to this court with this petition under Section 482 Cr.P.C.

2. What is the relief claimed? The learned counsel for the petitioner submits that the petitioner does not dispute the liability to pay the amount. Obviously he cannot dispute the liability. The counsel submits that if a breathing time is not given to the petitioner, the petitioner will have to suffer imprisonment which will not be beneficial to the claimants and will be detrimental to the petitioner.

3. Having considered all the relevant inputs, I do not find any reason to invoke the powers under Section 482 Cr.P.C. It is for the petitioner to appear before the Family Court, make substantial payment and request for further time to make the balance amount. I need only observe that if the petitioner undertakes and deposits an

amount of Rs.10,000/- within a week, half of the remaining amount within a further period of 15 days and the entire balance within another period of 30 days the learned Judge of the Family Court must consider his prayer for indulgence.

4. With the above observations this Crl.M.C. is dismissed.

(R. BASANT)
Judge

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